

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

OLIVER IVAN MAROTA,
a/k/a "Ivan Morota-Soto," a/k/a "Ivan Ruiz," a/k/a "Kid Frost"

CRIMINAL COMPLAINT

Case Number: 3:08-MJ-70359

FILED

JUN 16 2008

CALIFORNIA
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about June 13, 2008 in San Francisco County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

See Attachment A

in violation of Title 8 United States Code, Section(s) 1326(a) and (b)(2)I further state that I am a(n) Special Agent of ICE and that this complaint is based on the following facts:

See Attachment B

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved

As To W.S. Wilson LeungForm: AUSA

John R. Moore

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

June 16, 2008

Date

at San Francisco California
City and State

HON. BERNARD ZIMMERMAN

U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

Count One

unlawfully, willfully, and knowingly, after having been previously excluded, deported, and removed from the United States after having been convicted of an aggravated felony, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a re-application by the defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326(a) and (b)(2).

ATTACHMENT B

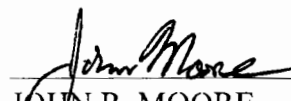
AFFIDAVIT OF JOHN R. MOORE

I, JOHN R. MOORE, Special Agent of Immigration and Customs Enforcement, being duly sworn, do declare and state:


1. I am a Special Agent of Immigration and Customs Enforcement ("ICE") and have been so employed for approximately one year. I am presently assigned to the San Francisco Office of ICE, where I investigate criminal violations of federal law, with a focus on criminal violations of immigration laws. I have received training in a variety of law enforcement subjects, including narcotics trafficking, criminal procedure, and immigration laws. The information set forth below is based on my own investigation or on conversations I have had with other law enforcement officers and from reviewing law enforcement documents.
2. This Affidavit is made in support of a Criminal Complaint charging **OLIVER IVAN MAROTA**, a/k/a "Ivan Morota-Soto," a/k/a "Ivan Ruiz," a/k/a "Kid Frost," with illegal re-entry into the United States after having been deported or removed following a prior conviction for an aggravated felony, in violation of Title 8, United States Code, Section 1326(a) and (b)(2).
3. Because this Affidavit is submitted for the limited purpose of obtaining an arrest warrant, I have not included each and every fact known to me that supports probable cause for arrest. Rather, I have set forth only the facts that I believe are necessary to support the lawful arrest of the individual listed in this Affidavit.
4. Where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part.
5. I learned the following from reviewing the immigration file and law enforcement records of **OLIVER IVAN MAROTA**, a/k/a "Ivan Morota-Soto," a/k/a "Ivan Ruiz," a/k/a "Kid Frost":
 - a. **MAROTA** is 32-years old and is a native and citizen of Mexico.
 - b. **MAROTA** has used the aliases "Ivan Morota-Soto," "Ivan Ruiz," and "Kid Frost" in the past.
 - c. **MAROTA** has three criminal convictions, all in California Superior Court, to wit: (i) a June 10, 1994 misdemeanor conviction for Possession of a Firearm; (ii) a December 7, 1994 felony conviction for Vehicle Theft; and (iii) a September 11, 2001 felony conviction for Sale of Narcotics/Controlled Substance.
 - d. Following these criminal convictions, **MAROTA** was deported from the United States three times: (i) on or about June 24, 2006, **MAROTA** was deported to

Mexico but was re-arrested in the United States on or about June 25, 2006; (ii) on or about June 26, 2006, **MAROTA** was deported to Mexico again, but was re-arrested in the United States on or about July 1, 2006; and (iii) on or about July 3, 2006, **MAROTA** was deported a third time.

6. I learned from another ICE agent that in or about the Spring of 2008, officers of the San Francisco Police Department ("SFPD") who knew **MAROTA** advised ICE that they had seen **MAROTA** in San Francisco. In response, ICE requested that the SFPD detain **MAROTA** as a previously deported aggravated felon. On or about June 13, 2008, an officer of the San Francisco Police Department reported to ICE that an individual whom s/he recognized to be **MAROTA** had been detained. I went to the Tenderloin area of San Francisco to identify this individual. Based on a photograph of **MAROTA** that was contained in **MAROTA**'s immigration file, I recognized the individual who was detained to be **MAROTA**, so I placed him under arrest. Later, when this individual was being processed in jail, he was fingerprinted, and on his fingerprint card, he signed "Oliver Marota" as his name.
7. On or about June 14, 2008, I submitted the fingerprint card of the individual who had been arrested on June 13, 2008, along with a fingerprint of **MAROTA** that was on **MAROTA**'s June 24, 2006 deportation warrant to the Federal Bureau of Investigation ("FBI") for a fingerprint comparison. Later on June 14, 2008, the FBI reported that the fingerprint of **MAROTA** on the deportation warrant matched that of the individual who was arrested on June 13, 2008.
8. Based on the foregoing, I hereby assert that probable cause exists to believe that **OLIVER IVAN MAROTA**, a/k/a "Ivan Morota-Soto," a/k/a "Ivan Ruiz," a/k/a "Kid Frost," is in violation of Title 8, United States Code, Section 1326(a) and (b)(2), specifically, illegally re-entering the United States after having been deported following a conviction for an aggravated felony.


 JOHN R. MOORE
 Special Agent
 Immigration and Customs Enforcement

Sworn to and subscribed before me
 this 16 th day of June, 2008


 HON. BERNARD ZIMMERMAN
 U.S. MAGISTRATE JUDGE